

ESTTA Tracking number: **ESTTA757258**

Filing date: **07/08/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Chicago Cubs Baseball Club, LLC
Granted to Date of previous extension	07/10/2016
Address	1060 West Addison Street Chicago, IL 60613 UNITED STATES
Attorney information	Krystil McDowall Cowan, Liebowitz & Latman, P.C. 114 West 47th Street New York, NY 10036 UNITED STATES kam@cll.com, mlk@cll.com, szl@cll.com, trademark@cll.com

Applicant Information

Application No	86674312	Publication date	01/12/2016
Opposition Filing Date	07/08/2016	Opposition Period Ends	07/10/2016
Applicant	International Brand Partners Pte Ltd 1 Kim Seng Promenade West Tower, 237994 SINGAPORE		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Clothing, namely, shirts, pants, shorts; footwear; headgear, namely, hats, caps, caps with visors; sandals; flat shoes;heels; heel wedges in the nature of womens' wedge heeled shoes; sneakers; boots; shoes; shoes insoles other than for orthopaedic use; shoe pads in the nature of shoe inserts other than for orthopaedic use; shoe soles; sports shoes; footwear for children; children's clothing, namely, shirts, pants, shorts, dresses; socks; belts for clothing; shirts; dresses;trousers; pants; hats

Grounds for Opposition

Other	See attached pleading
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Attachments	Letter to Commissioner - CC and Design.pdf(91509 bytes) Notice of Opposition - CC and Design.pdf(194051 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Krystil McDowall/
Name	Krystil McDowall
Date	07/08/2016



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July 8, 2016

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Major League Baseball Properties, Inc.
Notice of Opposition Against
International Brand Partners Pte Ltd
Application to register
C C & Design
Ref. No. 21307.011

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/674,312, published in the Official Gazette on January 12, 2016. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Krystil McDowall/
Krystil McDowall

Enclosures

cc: Ms. Diane Kovach (w/encs.)
Mary L. Kevlin, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 86/674,312

Filed: June 25, 2015

Published: January 12, 2016

For Mark: CC and Design

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CHICAGO CUBS BASEBALL CLUB, LLC,

Opposer,

v.

INTERNATIONAL BRAND PARTNERS
PTE LTD,

Applicant.

Opposition No.

NOTICE OF OPPOSITION

-----X
Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Chicago Cubs Baseball Club, LLC (“Opposer”), a Delaware limited liability company with offices at 1060 West Addison Street, Chicago, Illinois 60613, believes that it will



be damaged by registration of the mark CC and Design as shown here:

(“Applicant's Mark”) and in Application Serial No. 86/674,312 (the “Application”) for

“Clothing, namely, shirts, pants, shorts; footwear; headgear, namely, hats, caps, caps with visors; sandals; flat shoes; heels; heel wedges in the nature of womens' wedge heeled shoes; sneakers; boots; shoes; shoes insoles other than for orthopaedic use; shoe pads in the nature of shoe inserts

other than for orthopaedic use; shoe soles; sports shoes; footwear for children; children's clothing, namely, shirts, pants, shorts, dresses; socks; belts for clothing; shirts; dresses; trousers; pants; hats” in International Class 25, and having been granted extensions of time to oppose up to and including July 10, 2016, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned CHICAGO CUBS MAJOR LEAGUE BASEBALL club.

2. Since long prior to June 25, 2015, Applicant’s constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors, have used marks comprising or containing the letter C, including, without limitation, various distinctive C stylizations, including but not limited to the following:



(“Opposer’s C Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, without limitation, clothing, namely, hats, caps, baseball caps, headwear, earmuffs, scarves, headbands, visors, shirts, t-shirts, turtlenecks, tanks tops, pullovers, vests, uniforms, jerseys, warm-up suits, jogging suits, sweatshirts, jackets, ponchos, shorts, shorts sets, pants, sweatpants, bottoms, dresses, skirts, jumpers, rompers, coveralls, creepers, mittens, gloves, sleepwear, cloth bibs, infantwear, infant diaper covers, cloth

diaper sets with undershirt and diaper cover, baby booties, onesies, ties, footwear, socks, slippers, hosiery, underwear, robes, swimwear and pajamas; toys and sporting goods; paper goods and printed matter and novelty items.

3. Opposer owns U.S. federal registrations for Opposer's C Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28, 30, 34 and 41; namely, 869,838; 1,042,652; 1,183,876; 1,297,664; 1,536,262; 1,538,033; 1,538,193; 1,612,016; 1,916,572; 2,506,407; 2,667,880; 3,231,135; 3,320,037; 3,320,038; 3,320,039; 3,320,040; 3,326,192; 3,395,907; 3,403,043; 3,403,046; 3,545,454 and 3,854,382. Registration Nos. 869,838; 1,042,652; 1,183,876; 1,297,664; 1,536,262; 1,538,033; 1,538,193; 1,612,016; 2,506,407; 2,667,880; 3,231,135; 3,320,037; 3,320,038; 3,320,039; 3,320,040; 3,326,192; 3,395,907; 3,403,043; 3,403,046 and 3,545,454 are incontestable. Registration No. 1,916,572 is partially incontestable.

4. Since long prior to June 25, 2015, Applicant's constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's C Marks, including, but not limited to, clothing, namely, hats, caps, baseball caps, headwear, earmuffs, scarves, headbands, visors, shirts, t-shirts, turtlenecks, tanks tops, pullovers, vests, uniforms, jerseys, warm-up suits, jogging suits, sweatshirts, jackets, ponchos, shorts, shorts sets, pants, sweatpants, bottoms, dresses, skirts, jumpers, rompers, coveralls, creepers, mittens, gloves, sleepwear, cloth bibs, infantwear, infant diaper covers, cloth diaper sets with undershirt and diaper cover, baby booties, onesies, ties, footwear, socks, slippers, hosiery, underwear, robes, swimwear and pajamas; toys and sporting goods; paper goods and printed matter and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with Opposer's C Marks, Opposer has built up highly valuable goodwill in Opposer's C Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On June 25, 2015, Applicant filed the Application for Applicant's Mark for "Clothing, namely, shirts, pants, shorts; footwear; headgear, namely, hats, caps, caps with visors; sandals; flat shoes; heels; heel wedges in the nature of womens' wedge heeled shoes; sneakers; boots; shoes; shoes insoles other than for orthopaedic use; shoe pads in the nature of shoe inserts other than for orthopaedic use; shoe soles; sports shoes; footwear for children; children's clothing, namely, shirts, pants, shorts, dresses; socks; belts for clothing; shirts; dresses; trousers; pants; hats" in International Class 25, based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's Mark for the goods covered in the Application in United States commerce prior to its constructive first use date of June 25, 2015.



8. Opposer's C Marks often have designs and/or letters within the letter "C."

9. Opposer's C Marks often appear surrounded by a circle.

10. Applicant's Mark contains a prominent stylized "C" that is virtually identical to Opposer's C Marks.

11. Applicant's Mark has a dot within the "C" in a manner similar to certain of Opposer's C Marks that have letters and/or designs within the "C."

12. Applicant's Mark has a backward "C" surrounding the interior "C" that nearly forms a circle surrounding the interior "C", similar to certain of Opposer's C Marks, as shown here:

<u>Applicant's Mark</u>	<u>One of Opposer's C Marks</u>
	

13. The goods covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's C Marks.

14. Applicant's Mark, which features a stylized C that is virtually identical to the distinctive stylized C used by and identified with Opposer and that has a dot within it and is surrounded by a backward C similar to aspects of certain of Opposer's C Marks, so resembles Opposer's C Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard Mandel and Krystil McDowall (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47th Street, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
July 8, 2016

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Krystil McDowall/

Mary L. Kevlin
Richard S. Mandel
Krystil McDowall
114 West 47th Street
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 8, 2016, I caused a true and complete copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Correspondent of Record N. Christopher Norton, Esq., Arendt Fox LLP, 1717 K St. NW, Washington DC 20006-5343 and with a courtesy copy to Applicant via email at kdatta@globalbrandpartners.com.

Dated: New York, New York
July 8, 2016

/Krystil McDowall /
Krystil McDowall